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To:	Uspto : <i>Office of Petitions</i>	From:	motishai
Fax:	1571-273-8300	Date:	August 5, 2006
Phone:	571-27223231	Pages:	3
Re:	Ap. #10/ <i>774,080</i>	cc:	<i>Douglas Wood</i>

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

2006.08.04

In re Application of
Moti Shai
Application No. 10/774,080
Filed: 9th of February 2004
For: Laser Beam Toy and Mouse

STATEMENT OF FACTS

Moti Shai, hereinafter "Petitioner", filed an application on the 9th of February 2004. On the 21st of July, 2004, Petitioner received a pre-exam formalities notice indicating that his application for patent was insufficient in; the amount of \$10, for a basic filing fee/small entity, unsigned oath and a late filing fee of \$65, as a small entity in compliance with 37 CFR 1.27. Petitioner was required to submit a total of \$75, a new oath with application number and the identity of the citizenship of each inventor.

After Petitioner received the "Pre-Exam Formalities Notice" on July 21st, 2004, Petitioner called the mail room for explanation, the advised him to fax his signature, citizenship and status. the didn't tell to Petitioner to write it on declaration part 2 foroom. Petitioner faxed the response. However, Petitioner used the Examiner's "Notice to File Missing Parts of a Non-Provisional Application," with his name, citizenship, application number, and status as the sole inventor, within the 2-month reply period, as a reply form.

On the 13th of December 2004, Petitioner received a "Pre-Exam Formalities Notice." Petitioner called and was assured by Ms. Kannan(sic), the mailroom supervisor, that while, the form in which Petitioner submitted his signature, date and citizenship was improper, the response will pass. Petitioner was also reminded that, in the future, all such submissions must be done according to guidelines. Thus, implying that Petitioner can ignore the guidelines on this particular occasion. Ms. Kannan(sic) requested that Petitioner resubmit the declaration, to which Petitioner complied on 27th of January 2005, in proper form.

Petitioner contacted the Examiner associated with Petitioner's application to reaffirm what Ms. Kannan(sic) had promised. Each time of contact, once a month, Petitioner was promised that the response was entered, and thus satisfied the "Pre-Exam Formalities Notice."

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